



ADOPTION



Adoption is the judicial procedure by which a child born to one set of parents becomes the legal child of another parent or couple. The natural parent or parents who are giving up the child lose all of their parental rights and obligations related to the child, and the adoptive parent or parents assume all of those rights and obligations. The legal result is that the child ceases to be the legal obligation of the natural parents and becomes the responsibility of the adoptive parents. In most states, the only right that remains is the right of the child to inherit from the natural parent or parents.

Private versus Agency adoption:

A private adoption usually involves an adopting parent or parents and a child whose identity is previously known to them. The most common private adoptions are intra-family adoptions, where a stepparent adopts his or her spouse's children from a previous relationship or when grandparents adopt a grandchild whose parents have neglected or abandoned him/her.

Agency adoptions vary. They can be accomplished using state welfare offices, foster care programs, church organizations, commercial agencies, and placement services. To adopt through an agency, prospective adopting parents register with an agency, which then evaluates their suitability as parents and the best type of child for them. Once a child is found, the child will live with the adopting parents for a period of time under the agency's supervision to ensure that everything is working out. After this time passes, the adoption is finalized.

What if the natural parent or parents won't give consent?

Lack of consent is a serious obstacle. Courts will usually not terminate someone's parental rights without his/her consent, except under limited circumstances, such as abandonment or failure to pay support for more than one year. The burden is on the adoptive parents to show that the best interest of the children requires terminating someone's parental rights.

How does adoption affect everyone's legal rights?

After the final adoption decree, the natural parents lose all their legal rights and obligations toward the child, including child-support obligations. While the natural parent or parents are not entitled to inherit from the child, most states protect the child's rights to inherit from the natural parent or parents. For all other legal purposes, the child is considered to be the child of the adoptive parents, just as if the child had been born to the adoptive parents.

If a natural parent consents to an adoption, can he withdraw his/her consent later?

Yes. However, most jurisdictions allow consent to be withdrawn up to a few days after it has been given. Consent can never be withdrawn after the final adoption decree has been issued.

Adoption Costs:

The cost varies from state to state and increases with the difficulty of pursuing the adoption. The least expensive adoption is the one in which all parties consent to the adoption. In any event, keep receipts for all expenses. Under the Adoption Expense Reimbursement Program,

military personnel may be reimbursed up to \$2000 of adoption expenses for all adoptions, except intra-family adoptions.

How do I request reimbursement?

Submit a Reimbursement Request for Adoption Expenses (DD Form 2675, August 1993). You can find the 3-page DD 2675 (Adobe .PDF format) at the Army Publication electronic forms on the Internet. Your servicing personnel office usually should know the types of expenses you are entitled to claim and should assist you with the reimbursement application. Once the application is complete, mail it by certified mail, return receipt requested, to: Defense Finance and Accounting Service, Cleveland Center (Code FMA), 1240 East Ninth Street, Cleveland, OH 44199-2055. Be sure you include proof of what you paid (for example, receipts marked 'PAID,' canceled checks). Soldiers must submit claims for reimbursement no later than one year following the date on which the adoption is finalized. Complete a separate reimbursement request for each child whose adoption has been finalized.

What adoptions qualify for reimbursement?

You can receive reimbursement for adopting a child under 18, foreign adoptions, and adoptions of children with special needs when these adoptions are arranged by a qualified adoption agency. A qualified adoption agency is a state or local government agency that has responsibility under state or local law for child placement through adoption, or a nonprofit, voluntary adoption agency authorized under state or local law to place children for adoption. Intra-family adoption, such as adoption of stepchildren living in the home does not qualify for reimbursement.

Authorized reimbursement expenses are reasonable and necessary expenses which include:

- Public and private agency fees, including adoptive fees charged by an agency in a foreign country.
- Placement fees, including fees charged adoptive parents for counseling.
- Legal fees, including court costs, for services that are unavailable to a member of the military services under 10 U.S.C. § 1044 or § 1044a.
- Under certain circumstances, some medical expenses for the pre-adoptive child and biological mother.
- Temporary foster care charges when payment of such charges is required to be made before the adoptive child's placement.

Where to get more information:

- a. <http://www.adopting.com/>
- b. <http://www.calib.com/naic/>,
- c. (<http://www.calib.com/naic/Toppubs/index.htm>)
- d. (<http://www.calib.com/naic/pubs/index.htm#legal>).
- e. http://travel.state.gov/children's_issues.html#adoption
- f. <http://www.law.cornell.edu/uniform/vol9.html>
- g. <http://www.absnw.com/right%5Fto%5Fknow/states.html>
- h. <http://www.peoplespot.com/records/adoption.htm?newslib>

Yongsan Client Legal Services Office, Bldg 4106, room 229 (ACS building). Please call 738-6841/8111 for an appointment. Office hours: M, Tu, W, F 0900-1600 and Th 1300-1500.